

Agenda



Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

April 29, 2004

1. **INVOCATION – Councilmember Copple**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Councilmember Cahill**
 - A. Approval of Council Meeting Minutes
 1. Council Executive Session – February 26, April 1 & 15, 2004
 2. Council Issue Review Session – April 1 & 15, 2004 [20040429clrkck01.pdf](#)
[20040429clrkck03.pdf](#)
 3. Formal Council Meeting – April 15, 2004 [20040429clrkck02.pdf](#)
 4. Council's Community, School & Higher Education Partnerships Committee –
March 29, 2004 [20040429cshep01.pdf](#)
 5. Council's Finance & Diversity Issues Committee – February 24 & April 13, 2004
[20040429fdi01.pdf](#) [20040429fdi02.pdf](#)
 6. Council's Tourism & Economic Development Committee – February 9 & April 12, 2004
[20040429ted01.pdf](#) [20040429ted02.pdf](#)
 7. Council's Transit/Light Rail & Development Services Committee –
January 20 & February 17, 2004 [20040429tlrds01.pdf](#) [20040429tlrds02.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 8. Aviation Commission – February 10, March 2 & 9, 2004 [20040429tavco01.pdf](#)
[20040429tavco02.pdf](#) [20040429tavco03.pdf](#)
 9. Commission on Disability Concerns – March 16, 2004 [20040429cdc01.pdf](#)
 10. Community Special Events Task Force – April 13 & 21, 2004 [20040429csetf01.pdf](#)
[20040429csetf02.pdf](#)
 11. Design Review Board – January 21, February 4 & 18, March 3 & 17, 2004
[20040429drb01.pdf](#) [20040429drb02.pdf](#) [20040429drb03.pdf](#) [20040429drb04.pdf](#)
[20040429drb05.pdf](#)
 12. Hearing Officer – April 20, 2004 [20040429ho01.pdf](#)
 13. Mayor's Committee on Prevention & Community Resources – February 23, 2004

- [20040429pcr01.pdf](#)
14. Mayor's Youth Advisory Commission – March 23, 2004 [20040429myac01.pdf](#)
 15. Neighborhood Advisory Commission – February 4 & March 3, 2004
[20040429nac01.pdf](#) [20040429nac02.pdf](#)
 16. Redevelopment Review Commission – November 4 & December 2, 2003 and
January 6, 2004 [20040429rrc01.pdf](#) [20040429rrc02.pdf](#) [20040429rrc03.pdf](#)
 17. Transportation Commission – March 9, 2004 [20040429tc01.pdf](#)
 18. Transportation Commission Public Involvement/Marketing Committee – March 1,
2004 [20040429tpim01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
 - Board and Commissions Vacancies
- B. Manager's Announcements

5. CONSENT AGENDA

All items listed on the Consent Agenda will be considered as a group and will be enacted with one motion by the City Council. None of these items will be discussed unless a Councilmember removes an item or a citizen requests that a public hearing item be removed for separate consideration. Public hearing items are designated by an asterisk (*). Items scheduled for a Introduction/First Public Hearing will be heard, but will not be voted upon, at this meeting.

'q-j' indicates items that are quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances. When sitting as a quasi-judicial body, the City Council must conduct itself as a court, not as a legislative body. This means that any materials or conversations concerning the variance can only be presented to the City Council at the scheduled public hearing. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited.

A. Miscellaneous

19. Request to set Executive Session for the City Council meeting of May 6, 2004, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street.

COMMENTS: Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

20. Request approval of the Report of Claims Paid to be Filed for Audit for the weeks of March 28, April 4 & 11, 2004.

COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

21. Request approval of Contract Settlement Agreement with Advanced Vehicle Systems, Inc. (AVS) for Contract #99-126.

DOCUMENT NAME: [20040429pwcdl01.pdf](#) **PUBLIC TRANSIT (1106)**

22. Request for the Mayor to sign a Public Art Agreement with Arizona State University Foundation for a bus shelter at University Drive and College Avenue.

DOCUMENT NAME: [20040429dscm01.pdf](#) **ASU FOUNDATION PROJECT (0404-03-15)**

23. Request by Verizon Wireless for a Final Subdivision Plat consisting of one lot located at 104 West Gemini Drive.

COMMENTS: (Verizon Wireless, LLC, property owner) #SBD-2004.25 for an amended Final Subdivision Plat consisting of one (1) lot on 4.50 net acres.

DOCUMENT NAME: [20040429dsht02.pdf](#) **PLANNED DEVELOPMENT (0406)**

24. Request to approve a Construction Manager at Risk Design Phase service agreement with Hunter Contracting Co. for an amount not to exceed \$99,696 for the Johnny G. Martinez Water Treatment Plant Expansion.

COMMENTS: 12 Million Gallon Reservoir and Finished Water Pump Station

DOCUMENT NAME: [20040429PWVG01.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0902-14) PROJECT NO. 3201094**

25. Request to approve a Construction Manager at Risk Construction Services contract with Sundt Construction, Inc., for a Guaranteed Maximum Price of \$5,221,977 and to approve a change order allowance of \$500,000 for the Southern Avenue Interceptor Diversion Project.

DOCUMENT NAME: [20040429PWMG02.pdf](#) **WASTEWATER MANAGEMENT (0812-01) PROJECT NO. 3200101**

26. Request to approve an Assignment and Escrow Agreement with Okland Construction Company, Inc., as a guarantee for complete performance of the construction contract for Tempe Center for the Arts.

DOCUMENT NAME: [20040429PWDR03.pdf](#) **TEMPE ARTS CENTER (0109-19) PROJECT NO. 57-997005**

27. Request approval to increase the contract amount with Phoenix Fence Company by \$60,000 for fencing rental, repairs, and new fence installations during the initial contract period.

COMMENTS: Increase is from \$70,000 to \$130,000.

DOCUMENT NAME: [20040429fslg03.pdf](#) **PURCHASES (1004-01)**

- *28. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for A.Y.L.A., Inc., dba Efes Turkish Cuisine, 1701 E. Guadalupe Rd., #1701.

COMMENTS: Gulden Silbahar, Agent.

DOCUMENT NAME: [20040429LIQ1.pdf](#) LIQ LIC (0210-02)

- *29. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for Honey Bears Bar B-Q, Inc., dba Honey Bears BBQ, 7670 S. Priest Drive.

COMMENTS: Gary Clark, Agent.

DOCUMENT NAME: [20040429LIQ2.pdf](#) LIQ LIC (0210-02)

- *30. This is a request from the applicant **to continue the public hearing until the May 6, 2004**, Council meeting for a Series 9 Liquor Store License for University Quick Mart Inc., dba University Quick Mart, 1835 E. University Drive, #1.

COMMENTS: Jamal Lashin, Agent.

DOCUMENT NAME: [20040429LIQ3.pdf](#) LIQ LIC (0210-02)

- *31. This is a public hearing for the **denial** of a Series 12 Restaurant Liquor License for Devil House, LLC, dba Devil House, 829 S. Rural Rd.

COMMENTS: Justin M. Andreen, Agent.

DOCUMENT NAME: [20040429LIQ4.pdf](#) LIQ LIC (0210-02)

B. Award of Bids

32. Request to award a one-year contract with two (2) one-year renewal options for legal, employment and display advertising to *The Arizona Republic* and *The Tribune*.

COMMENTS: Total cost for this contract shall not exceed \$200,000 during the initial contract period.

DOCUMENT NAME: [20040429fsdl01.pdf](#) PURCHASES (1004-01) RFP 04-020

33. Request approval to utilize Maricopa County Contract 99213-X for the purchase of traffic striping paint from Pervo Paint.

COMMENTS: Total cost for this contract shall not exceed \$45,000 during the initial contract period.

DOCUMENT NAME: [20040429fslq02.pdf](#) PURCHASES (1004-01)

34. Request to approve a sole source purchase with Avaya for hardware and software upgrade to the City's phone system.

COMMENTS: Total cost for this contract shall not exceed \$87,201.62 during the initial contract period.

DOCUMENT NAME: [20040429fst04.pdf](#) PURCHASES (1004-01) Sole Source 04-097

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

D. Ordinances and Items for Second Hearing/Final Adoption

- *35. This is the **second** public hearing to amend Chapter 24, Article II of the Tempe City Code relating to pushcarts, kiosks, street entertainers and mobile merchants.

DOCUMENT NAME: [20040429cacc04.pdf](#) **TCC CH 24 - PEDDLERS, SOLICITORS & ITINERANT MERCHANTS (0503-24)** Ordinance No. 2004.16

- *36. This is the **second** public hearing to amend Chapter 12, Article IV of the Tempe City Code relating to Storm Water Retention and to amend Chapter 12, Article VI, relating to Storm Water Pollution Control.

DOCUMENT NAME: [20040429cacc01.pdf](#) **TCC CH 12 – DRAINAGE & FLOOD CONTROL (0503-12)** Ordinance No. 2004.13

- *37. This is the **second** public hearing to amend Section 19-50 in Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic (Hauling Waste Fill or Waste Excavation Material).

DOCUMENT NAME: [20040429cacc02.pdf](#) **TCC CH 19 – MOTOR VEHICLES & TRAFFIC (0503-19)** Ordinance No. 2004.14

- *38. This is the **second** public hearing to amend Chapter 33, Article V of the Tempe City Code relating to Cross Connection Control.

DOCUMENT NAME: [20040429cacc03.pdf](#) **TCC CH 33 – WATER (0503-33)** Ordinance No. 2004.15

- *39. This is the **second** public hearing for Curry Commercial Plaza for a zoning change and a site plan at 914 North Scottsdale Road.

COMMENTS: (Thompson, P. / Sandra Rose, property owner, Triyar Capital, LLC, Developer), including the following: **#ZON-2004.02 Ordinance 808.2004.02** for a zoning change from I-2, General Industrial to C-1, Neighborhood Commercial on 0.77 gross acres; **#SIP-2004.13** for a Site Plan consisting of two buildings totaling 5,760 square feet (Building "B", 1,200 s.f. for banking services and Building "A", 4,560 s.f. for a restaurant and retail space) on 0.77 net acres.

DOCUMENT NAME: [20040429dsht01.pdf](#) **PLANNED DEVELOPMENT (0406)**

E. Resolutions

40. Request approval of a resolution to accept Arizona Department of Public Safety, Governor's Office of Highway Safety funding for the Concentrated Occupant Protection Enforcement Program.

COMMENTS: This program is designed to increase seat belt and child safety seat usage, and will provide overtime funding, totaling \$16,000, for Buckle Up America "Click It or Ticket", through June 6, 2004.

DOCUMENT NAME: [20040429pdsr01.pdf](#) **POLICE DEPARTMENT**

ADMINISTRATION (0606-02) RESOLUTION NO. 2004.26

41. Request approval of a resolution authorizing application to the Arizona State Parks Board for a Heritage Fund Grant for a conservation assessment and initial treatment of vandalized prehistoric rock art in the Hayden Butte Preserve.

DOCUMENT NAME: [20040429csju01.pdf](#) **CONSERVATION OF ROCK ART, HAYDEN BUTTE PARK (0706-19) RESOLUTION NO. 2004.22**

42. Request approval of a resolution amending the schedule of fees and charges authorized by the City Code establishing charges for Mobile Merchants, Kiosk Vending, Sidewalk Cafes, Solicitors, Door to Door Sales and Nonprofit.

DOCUMENT NAME: [20040429cacc05.pdf](#) **MISCELLANEOUS FEES (0210-05) RESOLUTION NO. 2004.24**

43. Request approval of a resolution for acquisition of real property within the University/Hayden Butte Redevelopment Area 5.

DOCUMENT NAME: [20042904dsnc01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03) RESOLUTION NO. 2004.28**

44. Request approval of a resolution approving the First Addendum to the Marketplace Redevelopment Agreement.

DOCUMENT NAME: [20040429dsnc02.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03) RESOLUTION NO. 2004.30**

6. NON-CONSENT AGENDA

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

8. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on the agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes will not be allowed during formal meetings.

Members of the public attending City Council meetings shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.